

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

In re:

PRIME CAPITAL VENTURES, LLC,

Case No. 24-11029-REL
Chapter 11

Debtor.

**DECLARATION OF CHRISTIAN H. DRIBUSCH IN SUPPORT OF DEBTOR'S
MOTION FOR AN ORDER, PURSUANT TO 11 U.S.C. §§ 105(a) AND 542(a)
DIRECTING TURNOVER OF PROPERTY OF THE DEBTOR'S ESTATE**

I, Christian H. Dribusch, hereby declare that the following is true and correct to the best of my knowledge, information and belief:

1. I am an attorney duly admitted to practice before the United States Bankruptcy Court for the Northern District of New York.

2. I submit this declaration in support of the motion (the "Motion")¹ of Prime Capital Ventures, LLC, the above-captioned debtor (the "Debtor"), seeking the entry of an order, pursuant to 11 U.S.C. §§ 105(a) and 542(a), directing the turnover of the Debtor's property located at 600 Linkhorn Drive, Virginia Beach, Virginia 23451 (the "Virginia Beach Property")

3. I am the Chapter 7 Trustee to the bankruptcy estate of Kris Daniel Roglieri (Case No. 24-10157). As the representative of the last remaining member of the Debtor, I have exercised the power under applicable Delaware law to revoke any dissolution and name the Bankruptcy Estate of Kris Daniel Roglieri as the sole member of the Debtor with the chapter 7 trustee of the Bankruptcy Estate of Kris Daniel Roglieri acting as the manager of the Debtor. Accordingly, I am currently the manager of the Debtor. Unless otherwise stated, I make this declaration on personal knowledge.

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

4. On about January 31, 2023, the Debtor purchased the Virginia Beach Property, with cash, for \$3,750,000. A true and accurate copy of the title report, effective as of January 12, 2024, establishing the Debtor as the fee owner of the Virginia Beach Property is attached here as Exhibit A. A search of the property records in Virginia Beach, as of November 20, 2024, confirms that the Debtor is still the owner of the Virginia Beach Property. See <https://propertysearch.virginiabeach.gov/#/property/24188414010000> (last visited November 20, 2024).

5. Upon information and belief, the Virginia Beach Property is occupied by Kimberly Humphrey a/k/a Kimberly Owen (“Kimmy”), the Debtor’s former Executive Vice President, her ex-husband, Bryce Humphrey and his girlfriend (and together with any other occupants of the Virginia Beach Property, the “Occupants”). I am not aware of any leases or agreements between the occupants of the Virginia Beach Property and the Debtor and the Debtor has not received any rent from any of the occupants of the Virginia Beach Property.

6. On June 21, 2024, in Case 2, the Debtor, by and through the Receiver, filed a motion for entry of an order directing turnover of the Virginia Beach Property (the “Case 2 Turnover Motion”). Case 2, Dkt. No. 53.

7. As set forth in the Case 2 Turnover Motion, to comply with Virginia law on evictions, on May 29, 2024, the Receiver issued to Kimmy a notice to vacate the Virginia Beach Property on or before June 28, 2024, and turn over to the Debtor all keys and security codes to the Virginia Beach Property (the “Notice to Vacate”). *Id.* at ¶ 13. A true and accurate copy of the Notice to Vacate is attached hereto as Exhibit B.

8. On November 14, 2024, I sent an email to Kimmy and her ex-husband in an attempt to reach a consensual resolution of this matter. To date, no response has been received to the email

and the Occupants have refused to vacate the Virginia Beach Property, thereby necessitating the instant Motion.

9. For all the foregoing reasons and as set forth in the Motion, the Debtor respectfully requests that this Court enter an order directing the turnover of the Virginia Beach Property to the Debtor pursuant to sections 105(a) and 542(a) of the Bankruptcy Code.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 20, 2024 in Albany, New York

/s/ Christian H. Dribusch
Christian H. Dribusch